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F I L E D
Clerk of the Superior Court

NOV 03 2023

By: S. Galindo Camarillo, Deputy

SAN DIEGO SUPERIOR COURT OF CALIFORNIA
CENTRAL DIVISION

ANDREA SCHUCK,
PLAINTIFF,

vs.

ROB EMERT,
respondent

19FL010852N – family court

AFFIDAVIT OF ROB EMERT IN
SUPPORT OF MOTION TO STAY
PROCEEDINGS

Judge Robinson
Nov 9 2023 9AM

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I, Rob Emert, declare as follows:

1. I am the Respondent in this family court proceeding concerning custody of my son, Bryce Emert, and have personal knowledge of the facts stated herein.
2. Attached as Exhibit B are true and correct copies of letters written by Bryce Emert and others in support of the over 16.5 year old desire to return to my custody due to a strained and toxic relationship with his mother.
3. Specifically, Bryce's letters state that he feels distant from Ms. Schuck, does not have a strong relationship with her, and wishes to return to living with me full-time as soon as possible. The letters express his difficulties being separated from me and my side of the family.
4. These letters demonstrate that Bryce strongly prefers to be in my custody over Ms. Schuck's custody. His stated preference is highly relevant to determining custody arrangements in his best interest.
5. I attest that the letters contained in Exhibit B were personally written by Bryce Emert and accurately reflect his statements and preferences regarding custody in this matter.

VERIFICATION

IT IS HEREBY certified that the facts in the foregoing is true and correct under penalty of perjury to the best of my knowledge and belief. Attachments to this are true and correct copies of the items they purport to be.

Dated this 3rd day November 2023

By: Robert Emert

Robert Emert

2351 Vista Lago Terrace

Escondido California [92029]

robemert@msn.com

(760) 612-9328

ELECTRONIC SERVICE

I, Glenda Emert, certify that on 11/03/23, I served the foregoing document electronically by email to the following:

Dave Schilman

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 11/03/23

glenda emert

Glenda Emert

EXHIBIT B

(No subject)

Bryce Emert <emertb860@carlsbadusd.net>

Thu 9/7/2023 9:33 AM

To:Paul Isbell <pisbell@carlsbadusd.net>;tsemert@msn.com <tsemert@msn.com>;Dylan Mayer
<dylan.mayer@carlsbadusd.net>;dylan.mayer@carlsbadca.gov <dylan.mayer@carlsbadca.gov>

Dear Mr. Isbell,

I hope this message finds you well. I regret to inform you that I was unable to attend school today due to the need for some rest. I wanted to provide an update on my progress with assignments in your class, as it's taken me a bit longer to complete them recently.

The main reason for this delay is some challenging circumstances at home. Unfortunately, I've been experiencing emotional abuse from my mother, which has made it difficult to focus on my schoolwork. To make matters more challenging, I've been living in our garage, which is far from an ideal environment for studying.

In an attempt to create a more conducive space for my studies, I began working in the living room. However, this change seemed to trigger more frequent conflicts and arguments with my mother. Sadly, things have only escalated since the beginning of the school year.

I wanted to cc my grandma on this message, as she has been a witness to the difficult situation at home and can confirm the challenges I've been facing.

Please know that I remain committed to doing my best in your class. My goal is to not only pass but excel in my studies. Your extra help and genuine concern for my well-being mean a lot to me, and I want to express my gratitude for your support.

Thank you for understanding my situation, and I look forward to making progress in your class.

Sincerely, Bryce Emert



Attorney: Badillo, Jose

Client: Emert, Robert

Interview of Bryce Emert:

On March 21st, 2023, at approximately 3:30 pm I, Riley Mallory, called Bryce Emert to arrange a meeting time to interview him. I identified myself as a private investigator working with the attorney representing Robert Emert and arranged a time to interview him. Shortly after, Bryce called me back because he wished to provide information over the phone prior to the interview. Bryce, in essence, provided the following information.

Bryce described Emert as a great father who was always the first person to stand up for him. Bryce stated that Emert was like a best friend for him. Growing up, Bryce had always been closer to Emert than to his mother, Andrea Schuck. Emert was always there for him and looked out for him, whereas he felt like he had never really known his Schuck. She had not been a mother figure in his life.

Growing up, Emert would do things like take Bryce and his friends to fun places for kids because he knew that Bryce liked hanging out with them. During middle school, Emert would always go out of his way to help Bryce with his school work. When Emert and Schuck got divorced, Bryce saw Emert less often and everything got worse for him without Emert there to help. Over time, Bryce saw him even less, which was increasingly difficult for him.

Bryce always wanted to live with Emert full time and made this clear to people. Despite this, Schuck was eventually awarded full custody of Bryce with Emert given supervised visitation. When Bryce found out, he found it absurd because he had always told everyone, including therapists, that he wanted to be with his father. Bryce stated the decision was very upsetting for him. Bryce was disappointed with the performance of the attorney he had been assigned in family court as he felt he had not advocated for him.

After finding out about the custody arrangement, Bryce called his father and asked if he could not go to school that Monday and for Emert to pick him up to stay with him. They arranged to meet at a Starbucks. On Monday, Bryce's paternal aunt picked him off from Starbucks, and Bryce lived with Emert from then until Emert's arrest. Bryce knew that his living with Emert was against the court's order, but Bryce did not feel the order had been made in the family's best interest.

While Bryce was living with Emert, Bryce knew that he could have seen or stayed with Schuck whenever he wanted. Emert had specifically told Bryce that if he wanted to live with his mother, he could. Emert had encouraged Bryce to be in contact with his mother. Bryce did not want to stay with or see his mother because he believed that if he did, something would happen to make him stay with his mother and prevent him from living with or seeing Emert for a long time.



When Emert spoke to Bryce about Schuck, he would mostly talk about past memories of her. Emert would not discuss court issues or “talk shit” about her. Bryce was in contact with her at times, but Bryce recalled that at some point he may have blocked her number. Bryce did not know if Emert was in contact with her. Emert tried to find ways to resolve the family court situation. He often spent time on the computer researching what he could do.

Bryce found his time being homeschooled by Emert to be amazing. Emert was working off the same material and unit that Bryce would have been in school. Emert would learn the material and teach it to Bryce. On top of that, Emert would talk to him about important life lessons that had been very useful to him since. Bryce described 2022 as the best year of his life.

Since returning to public school, Bryce found the material he was learning to be way too easy. Bryce was getting straight As except for one class in which he had a C+, though Bryce intended to improve that grade. Bryce was still attending the same year he would have been had he stayed in public school the whole time. Bryce was on track to graduate on time, though with less units than he would have otherwise.

Following Emert’s arrest, Bryce was returned to his mother’s custody. Bryce stated that since then, everything had gotten worse for him. Bryce described his current life as miserable. Bryce hated his school life and home life. Bryce did not enjoy being around his mother, and he felt that she did things to intentionally upset him or get under his skin.

Schuck would insult him, saying things like “your dad can’t save you now,” or “you don’t even have autism, you’re just stupid.” Bryce had previously been diagnosed with autism. Schuck would often go into Bryce’s room and say something to annoy Bryce, causing him to become agitated. When she saw that he was agitated, she would sit by the door for 20 to 30 minutes, refusing to leave until he calmed down. Bryce also did not like being around his maternal grandparents.

Bryce had been isolated from his friends and family since living with Schuck. Bryce had not seen his paternal grandparents in months, and Schuck would not let Bryce see Emert’s friends despite his desires.

Bryce believed that his mother and others in the family court proceedings intended to have him placed in a residential care facility due to his autism diagnosis. Bryce believed there were some kind of financial incentives involved in the decision making. Bryce had attended some hearings via Zoom and heard discussions of him being placed in a facility and medicated, and his mother did not say anything to object.

A few days after Emert’s arrest, Bryce wrote a letter to send to the court explaining what he felt and wanted. His mother read the letter and demanded he change some things or she would refuse to agree



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to the contents of the letter. Schuck made him remove sections where he described things that she did to get under his skin. She also made him add that he loved her as much as Emert. Schuck made a comment to the effect that Bryce would never see his father again if he did not change the contents of the letter.

Bryce had nothing else to add at the time, so I thanked him for his time and concluded the interview.



Attorney: Badillo, Jose

Client: Emert, Robert

Interview of Courtney Costello:

On March 16th, 2023, at approximately 6:00 pm I, Riley Mallory, interviewed Courtney Costello at the home of her boyfriend, Mark Fidelman, located at 4394 Yuki Lane, Carlsbad. I identified myself as a private investigator working with the attorney representing Robert Emert. I asked Costello if she would be willing to discuss her knowledge of Emert and his family situation, to which she consented. Costello, in essence, provided the following information.

Costello met Emert through Fidelman around August 2022. On Labor Day 2022, Emert came over and spent the day with them. Prior to meeting Emert, Costello did not have any preconceptions about him as she had not heard anything about him from Fidelman. Costello found Emert to be patient, kind, and sensitive.

Costello described him as an incredible person. Emert was both passionate and even keeled. Every time Costello had seen Emert, he was very kind to her and her four and a half year old daughter. Emert was always very present and patient with his own son, Bryce. Emert would always go out of his way to make sure Bryce was comfortable.

On one occasion, Costello taught Bryce how to hold a pool cue when playing pool. Emert approached her after and thanked her for teaching Bryce. Emert felt that Bryce needed nurturing feminine energy in his life, so Emert was grateful that Costello had given that to him. Costello had found Bryce to be extremely well behaved and respectful, having seen him on multiple occasions.

Regarding how Emert interacted with the court system in his custody issues, Costello stated that Emert was optimistic and believed in the system. Costello did not believe that Emert thought he was doing the wrong thing. Emert discussed missing his daughter and showed Costello pictures of her. When Costello asked why he did not live with her, he told her it was because she had wanted to live with her mother. Costello believed that if Bryce had wanted to, Emert would have let him leave to go live with his mother.

Costello was aware that Bryce's mother believed that he was autistic and seemed focused on that idea. Costello had worked in preschool teaching and babysitting and had never seen any behavior from Bryce that made her think he was autistic.

Costello believed that Bryce's mother taunted and tormented Bryce and did things to make him feel less than. Costello had heard from Bryce that his mother had told him that his mother did not like looking at him because he reminded her of Emert. Costello's heart broke when she heard this.



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Costello had also seen videos where Bryce's mother was harassing him. Costello recalled that they showed Bryce asking his mother to leave his room but her instead refused and jumping onto his bed. His mother seemed to be pushing every button to try to upset him. Fidelman's son, Cole, had these videos.

Costello had nothing else to add, so I thanked her for her time and concluded the interview.



Attorney: Badillo, Jose
Client: Emert, Robert

Interview of Cole Fidelman (Juvenile):

On March 16th, 2023, at approximately 6:10 pm I, Riley Mallory, interviewed Cole Fidelman at his home located at 4394 Yuki Lane, Carlsbad. I identified myself as a private investigator working with the attorney representing Robert Emert. I asked Cole if he would be willing to discuss his knowledge of Emert and his son, Bryce, to which he consented. Cole, in essence, provided the following information.

Cole Fidelman was the son of Mark Fidelman. Cole met Emert's son, Bryce, approximately two years ago. Emert had picked up Cole as a favor for Cole's father, and Bryce was in the car at the time. Cole recalled that Emert and Bryce seemed happy together.

After that, Cole and Bryce became good friends. Cole found Emert to be a good role model and parent to Bryce. Bryce described himself and Emert as best friends. Cole had never seen them fight. Bryce seemed to have a deep respect for his father. They would do things together like take walks on the beach or go to Knott's Berry Farm together. One of the reasons that they were so close was that Bryce did not have a lot of other friends, so Bryce was really distraught when his relationship with his father was taken away by his arrest.

At the time, Bryce was happy with his living arrangement and wanted to continue living with his father. Cole recalled that in his time knowing him, Bryce had repeatedly made statements to the effect of, "Thank god I don't have to live with my mom." Cole estimated that Bryce had made statements like that approximately 20 to 30 times.

Cole would see Emert once or twice a week. Emert would come over to say hello or for dinner. Emert was not coming around as often in the time leading up to his arrest. Emert would also work for Cole's father at times, and Cole had found him to be very resourceful in his work and dealing with his own family law situation. Cole stated that Emert was an interesting character who had positive and negative traits. In general, Cole found him to be a good person with good intentions who cared about Bryce.

Emert would encourage Bryce to have a good relationship with his mother. Emert would make it a point to Bryce and Cole. Emert had explicitly told Bryce in front of Cole that if he wanted to, he could live with his mother. Emert knew the bad things that she had done, but he still wanted him to have a good relationship with her. Cole noticed that Emert was very empathetic. Cole recalled that there were times where Bryce would be speaking critically about someone and Emert would try to find good things about the person.



Since Bryce had been living with his mother, Bryce had said things to Cole that indicated he was experiencing mental health issues. Cole had previously experienced issues like dissociation and derealization. The feelings that Bryce told Cole about matched the things that Cole had previously experienced. Bryce described struggling to think clearly, constant brain fog, dull head pain, feeling like he was out of his body, and tunnel vision.

Bryce also seemed down all the time and Cole believed that he was depressed. Cole could hear in Bryce's voice over the phone that he sounded different. The day before this interview, Bryce had made a comment to Cole that concerned him. Bryce had made a comment that he would kill himself. Cole believed that the comment was made jokingly, and Cole did not believe that he would actually kill himself. However, Cole believed that the fact that the thoughts were there was cause for concern.

Andrea would do things like threaten and harass Bryce. Cole had seen videos that Bryce had taken of her harassing behavior towards him. Bryce had been isolated by his mother and her family since living with her. Bryce is not able to see any of his friends and is kept home all the time. Bryce struggles to get along with the children at the public school his mother had enrolled him in.

Bryce is not supposed to be in contact with Cole and either has to speak with him when he or Andrea aren't home or he has to whisper on the phone with him so she doesn't hear. Cole avoids speaking about the court case with him.

Cole had heard from Bryce that since returning to public school, he had been getting straight As. Bryce was still adapting to high school and to interacting with people there. Cole commented to him that with his grades and the life experiences he had as a source for college essays, he could get into a top 30 school. Previously the plan had been for Bryce to attend a community college. The thought of being able to attend a highly ranked school had motivated Bryce and kept him working hard.

Before Emert's arrest, Cole had encouraged Bryce to start working out and eating more healthily. This had bothered Andrea, who hated and was disappointed that he did it. Cole recalled hearing her say in a court hearing that she was concerned about Bryce counting calories, which Cole did not think was unhealthy. Andrea seemed to be trying to reverse Bryce's gains in physical fitness.

Cole was concerned that Andrea would have a "malicious" influence on Bryce regarding the statements Bryce would make about this case. Cole pointed to an incident that occurred a few days before this interview. Bryce had been writing a letter to Emert's attorney which Andrea had read. Andrea took issue with some negative statements about her in the letter. Andrea told Emert that if he did not remove the statements before sending it, she would not testify in Emert's criminal trial that she did not want him to go to jail.

Cole had nothing else to add, so I thanked him for his time and concluded the interview.



Attorney: Badillo, Jose
Client: Emert, Robert

Interview of Mark Fidelman:

On March 16th, 2023, at approximately 5:30 pm I, Riley Mallory, interviewed Mark Fidelman at his home located at 4394 Yuki Lane, Carlsbad. I identified myself as a private investigator working with the attorney representing Robert Emert. I asked Fidelman if he would be willing to discuss his knowledge of Emert and his family situation, to which he consented. Fidelman, in essence, provided the following information.

Fidelman was a father of two children who ran a marketing agency and was attending law school. Fidelman had a podcast and a charity, Kids Matter, which helps children in family law disputes. Fidelman had known Emert for approximately two and a half years.

Fidelman was introduced to Emert by a former judge who wanted Fidelman to help Emert through the family and child custody issues he was experiencing. Fidelman explained that the judge directed Emert to him more because of Fidelman's own personal experience dealing with the family law system than for his advocacy work. Fidelman had also experienced a divorce with difficult child custody issues.

Fidelman described Emert as a very good guy and the best father that Fidelman had seen. Emert was very principled and encouraging. Emert was a stay at home father, and he was constantly working on helping his son, Bryce, develop. Emert was both a friend and a father to Bryce. He was his shoulder to cry on and his rock. Bryce was very happy with Emert.

When Fidelman met Emert, Emert and his ex-wife, Andrea, were already separated and going through the child custody process. Emert had felt that he was being treated unfairly by Commissioner Ratiken and asked Fidelman to act as a court watcher.

Fidelman believed that the custody arrangement between Emert and Andrea was 50/50 at the time. At one point, Emert's son, Bryce, was evaluated by a doctor. The doctor told Emert in a conversation that Fidelman witnessed that the doctor did not believe that Bryce had the issues that Andrea had claimed and that Fidelman was a perfectly capable father.

The doctor's report ended up differing from the conversation that Fidelman overheard, so Fidelman wrote an affidavit regarding what the doctor had said. Fidelman believed that the judge then used that affidavit as a justification for taking Emert's children away. The judge said that because Emert had someone witness the conversation, he was taking Emert's custody of the children.

Emert's response at the time was feeling like he had been screwed over and asking why this was happening to him. Emert was very upset. Bryce did not want to go back to living with his mother, and



Bryce told Emert that Bryce was going to refuse to comply with the order. Fidelman was present when this conversation happened. Bryce said that he did not trust Andrea, that she was mentally abusive, and that he did not want to go live with her. Bryce felt that Andrea was always trying to tell him that he was autistic and not good enough. Bryce was 14 years old at the time.

Emert did not want to force Bryce to go live with his mother. Emert told Bryce he still had to see her, but Bryce was concerned that if he went to go see her he would somehow be forced into living with her. Emert encouraged Bryce to have contact with his mother. Despite their issues, Fidelman had never heard Emert say anything negative about Andrea to Bryce.

Bryce continued to live with Emert, and Emert attempted to resolve the family law issues. Emert continued to have contact with Andrea. Emert told Fidelman that he was always trying to resolve issues with Andrea. Fidelman was not privy to the specifics of those conversations. Emert was in touch with authorities, including contacting the FBI, to try to resolve the child custody issue. Fidelman described Emert as more communicative than he would have been in the same situation.

Bryce was adamant that what he wanted was to live with his father. Fidelman believed that Emert would have complied with the child custody order if Bryce had wanted to live with his mother. Fidelman pointed to the fact that Emert's daughter had wanted to live with Andrea, so that is what happened. Fidelman would never have held Bryce against his will.

While Bryce was living with Emert, Emert began homeschooling Bryce on Fidelman's suggestion. Fidelman explained that this was during COVID and many people had taken to homeschooling their children. Fidelman saw Bryce continue to advance and mature while being homeschooled by Emert, and now that Bryce is back in public school he is receiving straight As.

Fidelman had a son named Cole who was 17 years old at the time of this interview. Bryce and Cole had become close friends. Bryce had been shy, but Cole had helped him develop his confidence. Cole had urged him to work on his fitness, and that helped Bryce become more confident.

Since Emert's arrest, Fidelman had not had any contact with Bryce. Emert had never spoken with Andrea. Despite this, Andrea had attempted to take out a civil restraining order against Fidelman and Cole, who was still in contact with Bryce. Fidelman described his son as a straight A student who was going to Harvard or MIT. The restraining order was not granted.

Fidelman had nothing else to add, so I thanked him for his time and concluded the interview.

Hi, my name is Bryce Emert and I am writing this because I am being treated very unfairly and I was told by some friends of mine who have divorced parents to write a letter to the judge. My friends told me because I am 14 that the judge should think about what I have to say and what I think helps me the most in my life and that I want to testify so I can tell the truth so I can stop being treated so unfairly. I hope the judge gives me my wants I say in this letter because I do know what I am talking about. I don't understand why nobody is listening to me and it is very unfair and makes me feel very frustrated and angry and sad. I want to live with my dad more and I do not understand why my mom does not let me see and talk to my dad even when she can't be with me and help me. My grades and friendships have just been better when I have some extra time with me dad. I love my mom very much and I know she loves me but it is just so unfair when I need help and she can't help me to keep me from my dad. I know my dad will let me see my mom anytime I want. He lets my sister see our mom anytime she wants to. My mom won't do this for me and it has been very hard for me and has really messed up a lot of my life. My mom says very mean things about my dad. When she is mean to me she says the court gave her more power so my dad can't help me and I better do what she says. She is very mean about this. My mom has done things to me and my friends that I know if my dad did to my sister that my dad would get busted big time. My mom has put bruises on me. She has thrown food in my face. She has flipped off me and my friends. She has driven so bad with my friends in the car when she was mad they had to ask to get out. She does not listen to me when I ask for personal space. She exaggerates the bad stuff I do to everyone and then it seems like everyone watches me extra just waiting to catch me doing something wrong that most of my friends don't get in trouble for. My mom got arrested for doing something wrong to my dad when me my dad and my sister came back from Disneyland. Even though I know she got arrested my mom says she didn't. There is book at my moms house that says something about a narcissist. I googled it. I have heard my mom talk to others badly about my dad and how he is a narcissist. My dad is nice funny and everyone seems to like him except my mom. He is not a narcissist. That is just stupid. My mom takes a lot of pills and she goes from being very happy to very angry very fast. It seems like my mom takes out stuff on me because I remind her of my dad. I know my dad tries his best for me to have a good time with my mom all the time. My dad repeats himself and has done this as long as I can remember. he wants me to think for myself. He wants me to look for the best qualities in my mom. My dad does not try for me to hate my mom. That is just stupid.

I saw a person named Mr. Cord a few times. He told he is my attorney and he said he was going to help me and listen to my problems and try to help me. He has not. The few times I talked to him I could tell he was just taking my moms side. He would not listen to stories I would tell him about my mom doing mean things to me and would try to get me to agree to things I think were not nice to my dad. He lied to me a couple times. I never want to see Matt again. He is a liar and I think he thinks I am stupid or something just because I am a little on the autism spectrum. I told him I wanted to speak to the judge and to talk in court. I told Matt bad things my mom does to me. I told him weird things my moms parents would say and do to me. I told

9/20/21 Bryce Emert

him how I want to be with my dad more because for my whole life my dad has been there to talk to me about everything and this has helped me a lot. I told Matt I wanted another attorney to help me when I could tell he was not going to do anything I asked like stuff with the schedule where it is just not fair to me and what helps me. My dad use to drive me and all my friends around all the time. It was great. I don't get that anymore. My mom seems to want to keep me from my dad and friends. She forces me to spend time with her parents when I don't want to. They make me feel uncomfortable sometimes and it is obvious they don't like my dad.

I have seen a lot of people who say they are some kind of therapist or like a person to talk to about problems. I have seen these people at school and out of school. There has been some helpful nice ones and some who were like Matt who it was just obvious they were trying to get me to say and think what they were telling me and not listening to me. Dr. Olag was like Matt. He talked to me like I am a stupid little kid who does not know what he is talking about. I do know what I am talking about and just sometimes have a hard time saying things. I have made some mistakes and have learned from them and trying to move on. Dr. Olag just kept exaggerating old and small things and talking about the same old stuff every time I would see him. It was very annoying and frustrating and made me sick and angry. My mom does this a lot to. I have heard my mom say bad things about me to a lot of people and she exaggerates bad things I do to everyone. Dr. Olag listens to the lies my mom says and keeps wanting to talk about them. Some are not completely lies but big exaggerations. My friends and sister do things and they get a pass or everyone just kind of ignores the bad stuff. But for me I just keep having to go over it all the time on the stuff friends and my sister get a pass on. This has made me feel so stressed out that I get a stomachache. Dr. Olag acts like he is here to help but he is making me angry and sick by bugging me over old stuff. I think he is just trying to act like I have big problems so he can keep being paid. I never want to see Dr. Olag again. There are lots of other people that are kind and helpful to me. I don't need the creepy dr. Olag around me. he makes me feel very uncomfortable. There are lots of helpful people helping me so I don't need him around me.

I know my mom loves me and I love her but I want to live with my dad more. My mom does not have very much time to hang out with me and does not like to do the things I like to do. She isolates me from my friends and forces me to be with her parents. Even when I need help with homework and she cant help me she wont let me get help from my dad. From talking to my friends about this kind of stuff it just seems like my mom needs to let stuff go so we can all move on. My mom constantly tries to keep me from doing stuff with my dad. It is not fair. I want to live with my dad more because he helps me a lot and I know he will let me see my mom whenever I ask because that is what he does with my sister. My mom won't do this for me or my sister and I don't know why. I feel more at home and comfortable with my dad. Everything just seems more difficult with my mom and it makes me stressed out and feel sick at times. My dad said he cant help me with his letter. I asked others and they got with people I have known for a long time so they could see that I did write this letter and nobody is making me do it and it is just me asking for help.

9/20/21 Bryce Emer +

This whole family court process has traumatized me on multiple occasions. I have made the bold claim that I have wanted to live with my father more than my mother because he was raising me more and had been looking in my best interests for my entire 15 years of life, and knows and understands me better than anyone. Although my mom loves me so much, I understand she hasn't been as big of a role model as my father and my mother doesn't understand me as well as my father. The people Affiliated with the family court system had never listened to what I had to say and never documented anything concerning what I had to say. Every time my father asked for the court for me to have a chance to talk in court the commissioner hearing our case (Patti C Ratekin) said that I was unable to speak for myself and that I was incompetent even though it has never been proven at all.

On October 3rd 2021 I had asked my dad to pick me up from school on Monday because I was super stressed with all that had been going on at my life at the time, he said he could and to meet him over at Starbucks I was super happy because I was able to catch a breath of air for a while then after I was picked up by my aunt I heard on my phone that the commissioner hearing our case said she was looking for a facility to put me in and I was super surprised on what she said because not only there was no reason for her to do that but also every person who was a part of my life knows it don't belong there, then after I lived with my father, for 14 months, and those 14 months have been the best months of my life I

was homeschooled by my dad and I didn't have to speak with any therapist anymore the anxiety of me not seeing my dad and having exactly what I need when I need it and I grew up without being harassed.

On January 3 2023 me and my dad were dropping off his parents at the doctors office, and for fun we want to walk at nearby mall, but when we opened the door two guys pulled my dad out of the car and handcuffed him, and all I felt was fear and anxiety because I didn't understand what was happening and then when I did I was in shock I was super scared because I didn't know what was happening next my dad is a great man and not only that but a great father, he had a huge part of raising me for all of my life and I knew him for my entire life and he was my best friend who I did everything with, the only thing I was on my mind, was what was gonna happen next, and me trying to convince them that he did nothing wrong, after I tried walking away they said I was detained, even though I didn't do anything wrong and then after they shove my dad in a cop car one of the US marshals there took my phone out of my hand and slam me against the car and put handcuffs on me, and they also put me in a cop car. My dad did nothing wrong for him to be put in jail and he did everything he could for my best interests and for myself to have a better life.

There would be many times where I asked my old court appointed attorney (Matthew W Cord) to have me have a chance to speak in court but he never got back with me, later I found out he has done nothing to help or represent me in the slightest in court. One day I made it clear to my both my parents that he isn't my attorney anymore and that I've fired him, one day my mom picked me up early from school, and my mother drove me over to his office without me knowing we were driving there, when we arrived I told her that he is not my attorney, then I see him (Matthew W cord) walking out of his office, then my mom invited him (Matthew W cord) into her car even though I made it clear that I've fired him as my attorney, and I didn't want to speak with him, soon after she left the car so he could talk to me just me and him, then he tried talking to me and I told to get away from me and that he wasn't my attorney anymore, and continued to ignore my request and I eventually walk out of the car and to witch he followed me out of the car and followed me and continued to harass me, after about a minute and a half he eventually have left me alone and walked back into his office. Since then I have never spoken to him since. Soon after I filed a restraining order on Matthew W cord.

There would be many times where Patti C Ratekin and others among the family court would often say that I was incompetent of making my own decisions, even though it has never been proven, Also never thought this 3-year process I

have never got a chance to speak in a court hearing, I was never able to talk about my needs in court and what I needed at the most at the time.

My dad has been a really huge part in my life and I have told my old attorney who was supposed to represent me, Also I have told my needs all to my court appointed therapists to witch are I need my father more in my life, Also I have also told them he has always looked out my best interests at he always is looking out for me, none of them have took that into consideration and everything else I've tried to tell them, everything I told them they just threw out the window and also never documented it or talked about in court.

Also because I saw my father less it caused my academic skills in school to fall in a downward spiral because he had always helped me with school and helped me study for upcoming tests that I needed to pass, them not talking this into consideration made my life a lot more difficult and harder on me and the only people it benefited was the people in this family court case because no matter what they do they get paid either way.

This whole process has also stressed me out for months on end I was only able to talk to each of my parents on the phone at another parents house for 15 minutes and it really stressed me out especially with my dad who I was accustomed to

talking to everyday about anything important concerning anything that was important or unimportant to me and we would talk about whatever the topic was and he would always give me insightful advice on whatever the topic may be, Me hardly being able to talk to him made this very stressful to me knowing that I can't talk to him about anything important or non important regarding anything, it was super stressful and a terrible feeling I had to endure for long time and the blame for that goes to the family court, they kept me from speaking to the person that always had my best interests. This whole process has traumatized me and I wish I never had to experience this.

My signature

A handwritten signature in blue ink on a black background. The signature reads "Bryce Emert" in a cursive, slightly stylized font. The letters are connected, and the overall style is fluid and personal.

Bryce Emert

Emert, Bryce

Rob Emert <robemert@msn.com>

Mon 5/24/2021 9:04 PM

To: Matthew Cord, Esq. <MCord@apjohnsonesq.com>; Dave Schulman <dschulman@msmfamilylaw.com>

Cc: Catie Young <Catie@GYLFAMILYLAW.COM>; Linda Hansen <lhansen@msmfamilylaw.com>; Sarah Bear <sbear@msmfamilylaw.com>; Correne Day <Correne@GYLFAMILYLAW.COM>

 1 attachments (3 MB)

DISQUALIFICATION OF COMMISSIONER RATEKIN 052021.pdf;

Mr. Cord,

Upon Bryce returning to my home after a stay with his mom, he told me the following and that the whole weekend with his mom was a horrible fight. It is heartbreaking for me to hear this stuff and that Bryce is forced to have to put up with it.

1. His mom spit in his face
2. His mom threw popcorn in his face.
3. His mom grabbed him by the hair.
4. His mom was physically rough with him.
5. And, most alarming, that when she was putting him to bed last night that she was crying to him and said he did not have to live with her anymore and that he would not have a room at her house anymore and she was going to take his bed apart and he would not have a bed at her home anymore.

I am sure you will find a way to say it is my or Bryce's fault somehow. Bryce does not have these kinds of problems with anyone else and I have been telling you for a long while now that Andrea has always had a strained relationship with her son. It is not my fault. While Andrea and I have traded insults over the years I would never want Bryce to be without his mother and Bryce knows this very well. Andrea just has issues with a lot and she really is irrationally resentful of me where she wants to burn me more than help our kids. When I stick up for his mom in our discussions, Bryce gets upset with me because Bryce does have many valid concerns on how his mother treats him.

Without me being involved with the kids therapy is a disservice to the kids because you have created a stacked deck. Andrea can say whatever she wants and waive that nonsense court order that says I should not have contact with the one therapist while "the pile on" said it was all therapists. That would create a bias in any reasonable persons/therapists mind. I don't really care that much unless it is a disservice to the kids which it clearly is. And, I highly doubt that Peggy would even agree with how you used her to give Andrea a "tie breaking" vote, removing me from "all" kids therapies, and me getting admonished by the court for involving the kids in divorce related matters when she knows we have both messed up pretty bad in many respects. Whatever I have discussed with the kids in the past was what I would call serious damage control from what Andrea had told them about me or these divorce proceedings. I will get more into that at the next trial day.

Andrea has played everyone for suckers and I guess I am the biggest sucker for doing exactly what she knew I would by calling out everyone in an annoying bombastic way when advocating for my kids. If you really have Bryce's best interests why did you not reach out to his case manager who really is an expert in her field, knows Bryce well and has ZERO to buddy up to me. You spoke to people friendly with

Andrea and who believed Andrea's nonsense with her bogus TRO andrea waived around at the kids²³ school after she was arrested.

Last Thursday I filed a motion to disqualify commissioner Ratekin from these proceedings. With the overwhelming data that will show up in the transcripts, I would be surprise if Judge Wood does not take the case over but nothing really surprises me anymore in divorce court. I attached it just in case you have not seen it yet.

I am right in most regards and I have the truth on my side. It is only a matter of time before the truth comes out and while that may be at the next trial date or an appeal, it will happen eventually. Like I have been saying since day one, I am open to a mediation where the interests of the children would come first and then have that mediator make the finding binding. I think I have put that out there in emails at least 20x plus in the last two years. Given the scenario, why would anyone not want to do that? If I was wrong with my opinions on anything, I would have found out soon enough when the mediator reviewed the facts (and not fancy/questionable divorce moves in court) and made their findings to the parties and that which would have been binding.

Rob Emert

DV-100

**Request for Domestic
Violence Restraining Order**

You must also complete Form CLETS-001, Confidential CLETS Information, and give it to the clerk when you file this Request.

1 Name of Person Asking for Protection:

Andrea Emert Age: 48

Your lawyer in this case (if you have one):

Name: DAVID S. SCHULMAN, CLS-F State Bar No.: 165285

Firm Name: MOORE, SCHULMAN & MOORE, APC

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: 12636 HIGH BLUFF DRIVE, SUITE 200

City: SAN DIEGO State: CA Zip: 92130

Telephone: 858-755-3300 Fax: 858-755-3388

E-Mail Address: dschulman@msmfamilylaw.com

2 Name of Person You Want Protection From:

Robert Emert

Description of person you want protection from:

Sex: ☒ M ☐ F Height: 6'1 Weight: 180 Hair Color: Brown Eye Color: Blue

Race: Caucasian Age: 50 Date of Birth: 03-10-1969

Address (if known): 1778 Morgans Avenue

City: San Marcos State: CA Zip: 92078

3 Do you want an order to protect family or household members? ☒ Yes ☐ No

If yes, list them:

Full Name	Sex	Age	Lives with you?	Relationship to you
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<u>Skylar Emert</u>	<u>F</u>	<u>10</u>	☒ Yes ☐ No	<u>Daughter</u>
---------------------	----------	-----------	---	-----------------

<u>Bryce Emert</u>	<u>M</u>	<u>12</u>	☒ Yes ☐ No	<u>Son</u>
--------------------	----------	-----------	---	------------

			☐ Yes ☐ No	
--	--	--	--	--

☐ Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

4 What is your relationship to the person in (2)? (Check all that apply):

a. ☒ We are now married or registered domestic partners.

b. ☐ We used to be married or registered domestic partners.

c. ☒ We live together.

d. ☐ We used to live together.

e. ☐ We are related by blood, marriage, or adoption (specify relationship):

f. ☐ We are dating or used to date, or we are or used to be engaged to be married.

Clerk stamps date here when form is filed.



Fill in court name and street address:

**Superior Court of California, County of
SAN DIEGO**
325 SOUTH MELROSE DRIVE
SAME AS ABOVE
VISTA, CALIFORNIA 92081
NORTH COUNTY - FAMILY LAW DIVISION

Court fills in case number when form is filed.

Case Number:
19FL010852N

*If you do not have one of these relationships,
the court may not be able to consider your
request. Read Form DV-500-INFO for help.*

Hi, my name is Bryce Emert and I am writing this because I am being treated very unfairly and I was told by some friends of mine who have divorced parents to write a letter to the judge. My friends told me because I am 14 that the judge should think about what I have to say and what I think helps me the most in my life and that I want to testify so I can tell the truth so I can stop being treated so unfairly. I hope the judge gives me my wants I say in this letter because I do know what I am talking about. I don't understand why nobody is listening to me and it is very unfair and makes me feel very frustrated and angry and sad. I want to live with my dad more and I do not understand why my mom does not let me see and talk to my dad even when she can't be with me and help me. My grades and friendships have just been better when I have some extra time with me dad. I love my mom very much and I know she loves me but it is just so unfair when I need help and she can't help me to keep me from my dad. I know my dad will let me see my mom anytime I want. He lets my sister see our mom anytime she wants to. My mom won't do this for me and it has been very hard for me and has really messed up a lot of my life. My mom says very mean things about my dad. When she is mean to me she says the court gave her more power so my dad can't help me and I better do what she says. She is very mean about this. My mom has done things to me and my friends that I know if my dad did to my sister that my dad would get busted big time. My mom has put bruises on me. She has thrown food in my face. She has flipped off me and my friends. She has driven so bad with my friends in the car when she was mad they had to ask to get out. She does not listen to me when I ask for personal space. She exaggerates the bad stuff I do to everyone and then it seems like everyone watches me extra just waiting to catch me doing something wrong that most of my friends don't get in trouble for. My mom got arrested for doing something wrong to my dad when me my dad and my sister came back from Disneyland. Even though I know she got arrested my mom says she didn't. There is book at my moms house that says something about a narcissist. I googled it. I have heard my mom talk to others badly about my dad and how he is a narcissist. My dad is nice funny and everyone seems to like him except my mom. He is not a narcissist. That is just stupid. My mom takes a lot of pills and she goes from being very happy to very angry very fast. It seems like my mom takes out stuff on me because I remind her of my dad. I know my dad tries his best for me to have a good time with my mom all the time. My dad repeats himself and has done this as long as I can remember. he wants me to think for myself. He wants me to look for the best qualities in my mom. My dad does not try for me to hate my mom. That is just stupid.

I saw a person named Mr. Cord a few times. He told he is my attorney and he said he was going to help me and listen to my problems and try to help me. He has not. The few times I talked to him I could tell he was just taking my moms side. He would not listen to stories I would tell him about my mom doing mean things to me and would try to get me to agree to things I think were not nice to my dad. He lied to me a couple times. I never want to see Matt again. He is a liar and I think he thinks I am stupid or something just because I am a little on the autism spectrum. I told him I wanted to speak to the judge and to talk in court. I told Matt bad things my mom does to me. I told him weird things my moms parents would say and do to me. I told

9/20/21 Bryce Emert

him how I want to be with my dad more because for my whole life my dad has been there to talk to me about everything and this has helped me a lot. I told Matt I wanted another attorney to help me when I could tell he was not going to do anything I asked like stuff with the schedule where it is just not fair to me and what helps me. My dad use to drive me and all my friends around all the time. It was great. I don't get that anymore. My mom seems to want to keep me from my dad and friends. She forces me to spend time with her parents when I don't want to. They make me feel uncomfortable sometimes and it is obvious they don't like my dad.

I have seen a lot of people who say they are some kind of therapist or like a person to talk to about problems. I have seen these people at school and out of school. There has been some helpful nice ones and some who were like Matt who it was just obvious they were trying to get me to say and think what they were telling me and not listening to me. Dr. Olag was like Matt. He talked to me like I am a stupid little kid who does not know what he is talking about. I do know what I am talking about and just sometimes have a hard time saying things. I have made some mistakes and have learned from them and trying to move on. Dr. Olag just kept exaggerating old and small things and talking about the same old stuff every time I would see him. It was very annoying and frustrating and made me sick and angry. My mom does this a lot to. I have heard my mom say bad things about me to a lot of people and she exaggerates bad things I do to everyone. Dr. Olag listens to the lies my mom says and keeps wanting to talk about them. Some are not completely lies but big exaggerations. My friends and sister do things and they get a pass or everyone just kind of ignores the bad stuff. But for me I just keep having to go over it all the time on the stuff friends and my sister get a pass on. This has made me feel so stressed out that I get a stomachache. Dr. Olag acts like he is here to help but he is making me angry and sick by bugging me over old stuff. I think he is just trying to act like I have big problems so he can keep being paid. I never want to see Dr. Olag again. There are lots of other people that are kind and helpful to me. I don't need the creepy dr. Olag around me. he makes me feel very uncomfortable. There are lots of helpful people helping me so I don't need him around me.

I know my mom loves me and I love her but I want to live with my dad more. My mom does not have very much time to hang out with me and does not like to do the things I like to do. She isolates me from my friends and forces me to be with her parents. Even when I need help with homework and she can't help me she won't let me get help from my dad. From talking to my friends about this kind of stuff it just seems like my mom needs to let stuff go so we can all move on. My mom constantly tries to keep me from doing stuff with my dad. It is not fair. I want to live with my dad more because he helps me a lot and I know he will let me see my mom whenever I ask because that is what he does with my sister. My mom won't do this for me or my sister and I don't know why. I feel more at home and comfortable with my dad. Everything just seems more difficult with my mom and it makes me stressed out and feel sick at times. My dad said he can't help me with his letter. I asked others and they got with people I have known for a long time so they could see that I did write this letter and nobody is making me do it and it is just me asking for help.

9/20/21 Bryce Emer +

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Bryce Emert 2351 Vista Lago Terrace Escondido, CA 92029 TELEPHONE NO.: 760-612-9328 FAX NO. (Optional) E-MAIL ADDRESS (Optional) tobemert@msn.com ATTORNEY FOR (Name)	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS 325 S. Melrose Drive MAILING ADDRESS 325 S. Melrose Drive CITY AND ZIP CODE Vista, CA 92081 BRANCH NAME North County	
PLAINTIFF/PETITIONER: Andrea Emert DEFENDANT/RESPONDENT: Robert Emert	
DECLARATION	CASE NUMBER: 19FL010852N

I, Jeff Brown, make the following declaration,

I have known Bryce Emert for approximately six years and know him well as during the approximate six years in knowing him, I would usually see him on average of three times per week. I am the owner of a Karate Dojo where Bryce Emert was a student for approximately six years. I spoke with Bryce and am a witness to his declaration to the court dated and signed by him 09/20/21 and I know those are his words without any influence or duress from anyone.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 09/20/21

Jeff Brown

(TYPE OR PRINT NAME)


 (SIGNATURE OF DECLARANT)

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☒ Other (Specify):
 witness

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Bryce Emert 2351 Vista Lago Terrace Escondido, CA 92029 TELEPHONE NO.: 760-612-9328 FAX NO. (Optional): E-MAIL ADDRESS (Optional): robemert@msn.com ATTORNEY FOR (Name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 325 S. Melrose Drive MAILING ADDRESS: 325 S. Melrose Drive CITY AND ZIP CODE: Vista, CA 92081 BRANCH NAME: North County		
PLAINTIFF/PETITIONER: Andrea Emert DEFENDANT/RESPONDENT: Robert Emert		
DECLARATION		CASE NUMBER: 19FL010852N

I, Leslie Minger, make the following declaration,

I have known Bryce Emert for approximately six years. I spoke with Bryce and I am a witness to his declaration to the court dated and signed by him 09/20/21. I know those are his words without any influence or duress from anyone.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 09/20/21

Leslie Minger

(TYPE OR PRINT NAME)

Les

(SIGNATURE OF DECLARANT)

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☒ Other (Specify):
witness

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): — Jamie Learakos, Esq. 294310 Cage & Miles, LLP 12396 World Trade Drive, Suite 109 San Diego, Ca 92128 TELEPHONE NO.: (858) 376-7251 FAX NO. (Optional): (619) 568-6474 E-MAIL ADDRESS (Optional): jlearakos@cageandmiles.com ATTORNEY FOR (Name): Robert Emert		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 325 S. Melrose Drive MAILING ADDRESS: 325 S. Melrose Drive CITY AND ZIP CODE: Vista, CA 92081 BRANCH NAME: North County Division		
PLAINTIFF/PETITIONER: Andrea L. Emert DEFENDANT/RESPONDENT: Robert Emert		
DECLARATION		CASE NUMBER: 19FL010852N [IMAGED FILE]

See attached.

To whom it may concern:

I've known Rob Emert for approximately 3.5 years. Our sons have known one another for nearly 7 years. As our kids' friendship developed, Rob consistently coordinated play dates. Rob puts great effort in helping expose Bryce to a variety of social situations, and helps Bryce navigate the social challenges he experiences. His dedication to helping Bryce grow, learn, and develop is heartwarming.

To this day Rob frequently includes my son (and other kids) in after school, weekend, and summer activities. They have gone to the beach, pool, Waterpark, Disneyland, trampoline parks, and have had countless sleepovers. Most days after school my son is with Rob and Bryce. He has even picked up my youngest son from school when he picks up his daughter. Rob treats my children with the same care and attention as he does his own; I trust Rob completely with caring for my children.

Sincerely,

Leslie Minger

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Leslie Minger

(TYPE OR PRINT NAME)

—DocuSigned by

SIGNATURE OF DECLARANT

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☒ Other (Specify):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Bryce Emert 2351 Vista Lago Terrace Escondido, CA 92029		FOR COURT USE ONLY
TELEPHONE NO.: 760-612-9328 FAX NO. (Optional): E-MAIL ADDRESS (Optional): robemert@msn.com ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 325 S. Melrose Drive MAILING ADDRESS: 325 S. Melrose Drive CITY AND ZIP CODE: Vista, CA 92081 BRANCH NAME: North County		
PLAINTIFF/PETITIONER: Andrea Emert DEFENDANT/RESPONDENT: Robert Emert		
DECLARATION		CASE NUMBER: 19FL010852N

I, Kevin Kinsella, make the following declaration,

I have known Bryce Emert his whole life. I spoke with Bryce and am a witness to his declaration to the court dated and signed by him on 09/20/21. I spoke to Bryce and I know those are his words without any influence or duress from anyone.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 09/20/21

Kevin Kinsella

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☒ Other (Specify):
witness

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robert Emert 2351 Vista Lago Terrace Escondido, CA 92029 TELEPHONE NO.: 760-612-9328 FAX NO. (Optional): E-MAIL ADDRESS (Optional): robemert@msn.com ATTORNEY FOR (Name): Self		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO ☐ CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 ☐ CENTRAL DIVISION, SMALL CLAIMS, 330 W. BROADWAY, SAN DIEGO, CA 92101 ☐ CENTRAL DIVISION, CIVIL, 330 W. BROADWAY, ROOM 225, SAN DIEGO, CA 92101 ☒ NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 ☐ EAST COUNTY DIVISION, 250 E. MAIN, EL CAJON, CA 92020 ☐ SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910			
PLAINTIFF/PETITIONER: Andrea Emert DEFENDANT/RESPONDENT: Robert Emert			
DECLARATION		CASE NUMBER: 19FL010852N	

To whom it may concern,

My name is Kevin Kinsella. I have been a neighbor and very close family friend for over 20 years of Tom and Glenda Emert (Rob's parents) who reside at 2352 Vista Lago Terrace, Escondido, Ca 92029.

I have always been known as "Uncle Kevin" to Bryce and Skylar (Rob's children). I have been a fixture at the Emert residence for countless weekends, family events and gatherings. During these times I have always observed Rob as a loving and attentive father. Rob postponed a successful career as a mortgage broker to personally attend to the needs of his special needs son Bryce. Now that Bryce is nearing 14 and requires less one on one personal care, Rob is looking forward to resuming his career.

FINANCES: I have known Tom and Glenda to be living on a modest retirement until Glenda inherited a substantial amount of money. While she disclosed the amount to me to ask for financial advice, I know the majority of that money has been spent initially on remodeling the house to provide in home care for Glenda's 88 year old mother, who has passed away, and in assisting Rob's family so he could be a stay at home parent and give Bryce, Rob's son who is on the autism spectrum, the added attention that would allow their son to thrive best he could. With the layout of Tom and Glenda's home, the move of Robert and his two children into Tom and Glenda's home was not an easy one and appeared to be the best the family could do given their resources and COVID related issues.

Kevin Kinsetla

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 1/19/2021

Kevin Kinsella

(TYPE OR PRINT NAME)

DocuSigned by:

kein kinsella

1000F450400245E
(SIGNATURE OF DECLARANT)

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☒ Other (Specify):
20 yr friend of the Emerit family

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jamie Learakos, Esq. 294310 Cage & Miles, LLP 12396 World Trade Drive, Suite 109 San Diego, Ca 92128 TELEPHONE NO: (858) 376-7251 FAX NO (Optional): (619) 568-6474 E-MAIL ADDRESS (Optional): jlearakos@cageandmiles.com ATTORNEY FOR (Name): Robert Emert	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 325 S. Melrose Drive MAILING ADDRESS: 325 S. Melrose Drive CITY AND ZIP CODE: Vista, CA 92081 BRANCH NAME: North County Division	
PLAINTIFF/PETITIONER: Andrea L. Emert	
DEFENDANT/RESPONDENT: Robert Emert	
DECLARATION	CASE NUMBER: 19FL010852N [IMAGED FILE]

See attached.

To whom it may concern,

My wife and I have known Rob and his family for almost seven years now. We met Rob and his son, Bryce, while our boys attended the same pre-k class. The boys are 12 now. As our boys developed a special friendship in pre-k, our families started to get together for various events. Very soon thereafter, our families have become very close and our families have gathered for almost all our sons birthdays and most holidays such as Easter, Christmas, Halloween and the 4th of July. Over the approximate past seven years, our families have been there for each other and have developed a great family bond that will likely last a life time. Currently, Bryce and Gilbert, my son, have taken karate for approximately the past five years together. Rob and I have spent a good amount of time together working out a bit while we waited for the boys to complete their karate lesson. The karate schedule is usually at least three days a week with the weekday schedule being 5:30 to 6:15 and Saturdays going from 10:30 to 11:30. The karate dojo also has many other functions we usually attend together. Rob is God parent to our daughter Danielle and is going to be God parent to our new born son, Dillon. Rob, we, my wife, Michelle and Rob's mom all put a lot of effort into gathering our families together as much as we can. My wife and I trust Rob with our children and he trusts us with his. It is a family bond. To this day, Rob and our families coordinate many activities such as pool days, days to LegoLand, Trampoline parks and Sea World. My wife and I trust and have trusted Rob with our children at all these outings when sometimes, it was only him monitoring and safeguarding our son. We know Rob to be a great Dad who has gone above and beyond trying to be the best Dad he can be for his children.

Over the approximate seven years plus our families have closely know each other, we completely trust Rob. My wife and I do not drink alcohol. In the years I have known Rob, I have never known him to drink alcoholic beverages during the week. In the few times we would see Rob drink beer or wine was only a very few times at family parties where it was in moderation. We do not have alcohol beverages in our home and we would know if someone we knew was impaired.

Sincerely

Loc and Michelle Dinh

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Loc Dinh

(TYPE OR PRINT NAME)

DocuSigned by:

Loc Dinh

(SIGNATURE OF DECLARANT)

☐ Attorney for
☐ Respondent
☐ Plaintiff
☒ Other (Specify):
☐ Petitioner
☐ Defendant

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Bryce Emert 2351 Vista Lago Terrace Escondido, CA 92029		FOR COURT USE ONLY
TELEPHONE NO.: 760-612-9328 FAX NO. (Optional): E-MAIL ADDRESS (Optional): robemert@msn.com ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 325 S. Melrose Drive MAILING ADDRESS: 325 S. Melrose Drive CITY AND ZIP CODE: Vista, CA 92081 BRANCH NAME: North County		
PLAINTIFF/PETITIONER: Andrea Emert DEFENDANT/RESPONDENT: Robert Emert		CASE NUMBER: 19FL010852N
DECLARATION		

I, Leo Caro, make the following declaration.

I have known Bryce Emert for approximately seven years. I spoke with Bryce and I am a witness to his declaration to the court dated and signed by him 09/20/21. I know those are his words without any influence or duress from anyone.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 09/20/21

Leo Caro

(TYPE OR PRINT NAME)

SIGNATURE OF DECLARANT

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☒ Other (Specify):
witness